YAP CHIN MIN v. LOH AH PENG.

[A. C. J. (Sir Charles Murray-Aynsley, C.J.) March 6, 1953]

[Singapore — District Court Appeal No. 18 of 1952]

Control of Rent Ordinance, 1947, s. 14(1)(l) — "Owner" — Meaning of.

The question raised in this appeal was whether the appellant who was a lessee of land for five years with the option of renewal for a further five years could be regarded as an owner within the meaning of section 14 (1)(l) of the Control of Rent Ordinance.

Held: the appellant could not be regarded as owner within the meaning of section 14(1)(l) of the Control of Rent Ordinance.

DISTRICT COURT APPEAL.

P. H. Duff for the appellant.

Lee Kuan Yew for the respondent.

Sir Charles Murray-Aynsley, C.J. : — This appeal was concerned with a short point arising from the construction of section 14(1)*(l)* of the Control of Rent Ordinance No. 25 of 1947. The owner of the freehold at the time of hearing in the Court below agreed to give to the appellant a lease for five years with the option of renewal for a further five years. The appellant intended to erect buildings of a permanent nature. The Court could in the circumstances grant possession to the owner and the question to be determined is whether or not the appellant is the owner within the meaning of *(l)* of sub-section (1). The learned District Judge considered that owner means absolute owner. The word "owner" is not a term of art; it has no precise technical meaning. It may be that a person with a lease for 999 or even 99 years would be regarded as owner for the purposes of this clause but I am quite sure that the appellant cannot be regarded as "owner". If land is to be developed in this way there must be a change in the law.

The appeal must be dismissed with costs. Deposit to respondent.

Appeal dismissed.

R. v. TAN AH INN & ORS.

[A. Cr. J. (Brown, J.) February 20, 1953]

[Singapore — Special Case No. 4 of 1952]

Dangerous Drugs Ordinance, 1951, s. 10(2)(b) — Frequenting — Meaning of.

The short point in this case was upon the meaning of the word "frequent" in section 10(2)(b) of the Dangerous Drugs Ordinance, 1951. In a number of English cases quoted herein, the word had been extended to mean being in a place long enough for the purpose or intent in hand, but in these cases the wrongful purpose or intent was an essential ingredient of the charge.

Held: in section 10(2)(b) no intent or purpose need be proved so that the word "frequent" contained therein could not be given the meaning of being in a place long enough. It could only be given its ordinary meaning of "visiting often", so that a person committed an offence under this section if he visited one set of premises often, or if he visited a number of similar premises on one occasion each.

Cases referred to :—

(1) *Clark v. The Queen* 14 Q.B.D. 92.

(2) *Airton v. Scott* 25 T.L.R. 250.

(3) *Clark v. Taylor* (1948) W.N. 410.

(4) *Glynn v. Simmons* (1952) 2 All E.R. 47.

SPECIAL CASE.

A. H. Simpson (Crown Counsel) for the Crown.

Lee Kuan Yew (*Amicus Curiae*) for the accused.

Cur. Adv. Vult.

Brown, J. : — The short point in this case is upon the meaning of the word "frequent" in section 10(2)(b) of the Dangerous Drugs Ordinance 1951, which reads as follows :—

"If any person smokes or otherwise consumes prepared opium or frequents any place or places used for the purpose of smoking or otherwise consuming prepared opium, he shall be guilty of an offence . . . . "

Mr. Simpson, on behalf of the Crown, has contended that the word "frequent" means that the person must be there long enough to indicate that he is not just a casual visitor. In this case there was no evidence to shew how long the accused had been on the premises, nor any evidence to shew that they had been there before.

In the absence of any definition of the word "frequent" in the Ordinance one must be guided by its ordinary dictionary meaning and by the decided cases in which the meaning of the word has been considered. In Webster's Dictionary the verb "to frequent" is thus defined, "to visit often; to resort to often or habitually." This was the meaning which was accepted and applied in the case of *Clark v. The Queen*[1] in quashing a conviction under section 4 of the Vagrancy Act for "frequenting the public thoroughfare with intent to commit a felony."

Since then there have been the cases of *Airton v. Scott*[2], *Clark v. Taylor*[3] and *Glynn v. Simmons*[4]. These authorities have to some extent modified the strict dictionary meaning of the word in interpreting an enactment which makes it an offence to "frequent" a place with some wrongful purpose or intent. It must be taken as settled that in such a case "frequenting" means being in that place long enough for the purpose or intent in hand. In *Airton v. Scott*[2] the charge was of frequenting a public place *for the purpose of betting*, contrary to a Sheffield Bye-law. In both *Clark v.*